

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUBEN MATUK,
Plaintiff,
v.
MARTIN HOSHINO,
Defendant.

Case No. 13-cv-00204-JD

**ORDER AWARDING FEES AND
COSTS**

On November 21, 2014, the Court ordered counsel for respondent in this case to show cause why monetary sanctions should not be imposed for his failure to appear at a hearing on petitioner's habeas corpus petition. *See* Dkt. No. 21. The Court's order also directed counsel for petitioner to file a bill of costs detailing reasonable fees and costs he incurred in appearing at the hearing, so that the Court could order respondents to reimburse him. *Id.*

At the order to show cause hearing on November 25, 2014, counsel for respondent did not present good cause for failing to appear. Counsel blamed the Attorney General's docketing staff for failing to advise him about the hearing date, but also made statements seeming to indicate that the hearing date was entered into the internal tracking system used at the Attorney General's office, although he only saw it there after the fact. In any event, counsel's failure to appear caused substantial cost and inconvenience to petitioner's counsel, who traveled from Seattle for what turned out to be a non-event. The Court also notes that several individuals sat in the gallery for the petition hearing who undoubtedly took time off from work or school to be there.


Consequently, in light of the unexcused failure to appear, the Court awards counsel for petitioner reasonable travel costs and attorney's fees incurred for the petition hearing. *See* Bill of Costs, Dkt. No. 22. The Court awards counsel fees for 6.9 hours out of the 13.8 he spent preparing for the hearing. Those hours are cut back because some of the prep time will carry over

1 for the next petition hearing. The bill of costs also shows that he spent \$509.93 traveling between
2 Seattle (where he is based) and San Francisco for the hearing. *Id.* at 1-2, Ex 1. Respondent is
3 ordered to pay petitioner's counsel a total amount of \$4,679.93 within 30 days of this order.

4 Respondent is also ordered to file, within one week of this order, an explanation of what
5 steps it has taken to ensure that calendaring errors do not occur again

6 **IT IS SO ORDERED.**

7 Dated: November 25, 2014

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10 JAMES DONATO
11 United States District Judge
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